



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

ANTONIO E. GOODWIN,
Plaintiff,

vs.

CHRISTINE E. WORMUTH, *in her official*
capacity as Secretary, Department of the Army,
Defendants.

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CIVIL ACTION NO. 3:21-2816-MGL-PJG

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Plaintiff Antonio E. Goodwin (Goodwin) filed this job discrimination action against Defendant Christine E. Wormuth, in her official capacity as Secretary, Department of the Army (Wormuth). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Wormuth's motion to dismiss be granted and Goodwin's claims be dismissed. The Magistrate Judge further recommends that Goodwin be allowed to file an amended complaint. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 3, 2022, but neither Goodwin nor Wormuth filed any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court Wormuth’s motion to dismiss is **GRANTED**, Goodwin’s claims are **DISMISSED WITHOUT PREJUDICE**, and he is allowed to file an amended complaint.

IT IS SO ORDERED.

Signed this 21st day of June, 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE